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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,779	03/16/2004	Robert Zak	2002-047	3098

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CARY, NC 27511

EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,779

Applicant(s)

ZAK, ROBERT

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 1-24,26,32,34,35,37 and 41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25,27-31,33,36,38-40,42 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 25, 27-31, 33, 36, 38-40, 42 and 43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kinnunen et al, WIPO Publication No. WO 03/100372 (hereinafter Kinnunen) in view of Shively, U.S. Patent Application Publication No. 2001/0039187 (hereinafter Shively).

Regarding claim 25, Kinnunen discloses a wireless communication device comprising:

a transceiver to communicate over a wireless communications network;

a speech processor including a voice recognition engine to process speech signals and to recognize predetermined voice commands; and

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a controller operatively connected to said transceiver and said speech processor, and configured to:

identify a recipient of a message responsive to the predetermined voice commands;

key the transceiver responsive to the predetermined voice commands to begin transmission of the message to the recipient; and

un-key the transceiver responsive to the predetermined voice commands to end transmission of the message to the recipient (see pages 15 and 17).

With further respect to claim 25, nowhere does Kinnunen disclose the message is prerecorded. Regardless, Shively discloses this limitation (see paragraphs 0021 and 0022). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinnunen with the messages of Shively. This modification would have improved the convenience of Kinnunen by allowing a service provider to deliver a valuable new service to subscribers without having to adversely raise service prices or increase the size or cost of the wireless communication device as suggested by Shively (see paragraph 0004).

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With respect to claim 27, nowhere does Kinnunen disclose the claimed memory. Regardless, Shively discloses this limitation (see Figure 3). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinnunen with the memory of Shively. This modification would have improved the convenience of Kinnunen by allowing a service provider to deliver a valuable new service to subscribers without having to adversely raise service prices or increase the size or cost of the wireless communication device as suggested by Shively (see paragraph 0004).

On the issue of claim 28, nowhere does Kinnunen discuss the claimed session. Regardless, Shively discloses this limitation (see paragraphs 0021 and 0022). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinnunen with the session of Shively. This modification would have improved the convenience of Kinnunen by allowing a service provider to deliver a valuable new service to subscribers without having to adversely raise service prices or increase the size or cost of the wireless communication device as suggested by Shively (see paragraph 0004).

On the issue of claim 29, nowhere does Kinnunen discuss the claimed deactivate command. Regardless, Shively discloses this limitation (see paragraphs 0021 and 0022). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinnunen with the voice control interface of Shively. This modification would have improved the convenience of Kinnunen by allowing a service provider to deliver a valuable new service to subscribers without having to adversely raise service prices or increase the size or cost of the wireless communication device as suggested by Shively (see paragraph 0004).

On the issue of claim 30, nowhere does Kinnunen discuss the claimed pause command. Regardless, Shively discloses this limitation (see paragraphs 0021 and 0022). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinnunen with the voice control interface of Shively. This modification would have improved the convenience of Kinnunen by allowing a service provider to deliver a valuable new service to subscribers without having to adversely raise service prices or increase the

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size or cost of the wireless communication device as suggested by Shively (see paragraph 0004).

On the issue of claim 31, nowhere does Kinnunen discuss the claimed replay command. Regardless, Shively discloses this limitation (see paragraphs 0021 and 0022). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinnunen with the voice control interface of Shively. This modification would have improved the convenience of Kinnunen by allowing a service provider to deliver a valuable new service to subscribers without having to adversely raise service prices or increase the size or cost of the wireless communication device as suggested by Shively (see paragraph 0004).

As for claim 33, see page 18 of Kinnunen.

Regarding claim 36, Kinnunen discloses a method of communicating speech signals over a wireless communications device comprising:

detecting speech signals uttered by a user of the wireless communications device;

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recognizing predetermined voice commands issued by the user of the wireless communications device;

recording said speech signals to create a message responsive to the detection of said predetermined voice commands;

keying a transceiver in the wireless communications device responsive to the predetermined voice commands to begin transmission of the message to an identified recipient; and

un-keying the transceiver responsive to the predetermined voice commands to end transmission of the message to the identified recipient (see pages 15 and 17).

With further respect to claim 36, nowhere does Kinnunen disclose the message is prerecorded. Regardless, Shively discloses this limitation (see paragraphs 0021 and 0022). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinnunen with the messages of Shively. This modification would have improved the convenience of Kinnunen by allowing a service provider to deliver a valuable new service to subscribers without having to adversely raise service prices or increase the size or cost of the wireless communication device as suggested by Shively (see paragraph 0004).

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As for claim 38, nowhere does Kinnunen discuss saving said prerecorded message in memory responsive to the detection of said predetermined voice commands. Regardless, Shively discloses this limitation (see paragraphs 0021 and 0022). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinnunen with the voice control interface of Shively. This modification would have improved the convenience of Kinnunen by allowing a service provider to deliver a valuable new service to subscribers without having to adversely raise service prices or increase the size or cost of the wireless communication device as suggested by Shively (see paragraph 0004).

Claim 39 is rejected for the same reasons as claim 30.

Claim 40 is rejected for the same reasons as claim 31.

Regarding claim 42, see page 18 of Kinnunen.

Regarding claim 43, Kinnunen discloses the method of claim 36, wherein keying a transceiver in the wireless communications device responsive to the predetermined voice commands to begin transmission of the message comprises keying the transceiver to

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transmit said message as packet data responsive to the detection of said predetermined voice commands (see pages 15 and 17).

With further respect to claim 43, nowhere does Kinnunen disclose the message is prerecorded. Regardless, Shively discloses this limitation (see paragraphs 0021 and 0022). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinnunen with the messages of Shively. This modification would have improved the convenience of Kinnunen by allowing a service provider to deliver a valuable new service to subscribers without having to adversely raise service prices or increase the size or cost of the wireless communication device as suggested by Shively (see paragraph 0004).

Response to Arguments

3. Applicant argues Shively does not teach keying and un-keying a transceiver to begin and end transmission of a message responsive to voice commands uttered by the user. However the Examiner doesn't rely on Shively to show this limitation. As explained above (see page 3 of the instant Office Action), Kinnunen teaches keying and un-keying a transceiver to begin and end transmission of a message responsive to voice commands

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uttered by the user. While Kinnunen fails to indicate the push-to-talk message is prerecorded, Shively discloses a push-to-talk device that utilizes prerecorded messages. For this reason, the Examiner cannot allow the claims as presently claimed.

Conclusion

4. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa

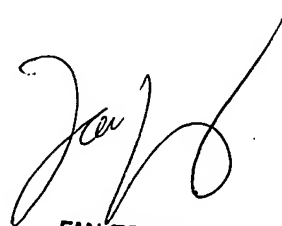
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Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

OA.
Olisa Anwah
Patent Examiner
August 17, 2006


FAN TSANG
SUPERVISORY PATENT EXAMINER
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